



BULKY EXHIBITS

Proceeding/Serial NO: 91193784

Filed: 06/21/2010

Title: Juggling for a Cure

Exhibits: 1 CD and 2 Photos



Juggling for Books
Juggling Green

Juggling For A Cure
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June 18, 2010

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

77/635,925

Re: Proceeding No. 91193784

To the Honorable Trademark Trial and Appeal Board,

This letter is an answer to the notice of opposition regarding opposition #91193784 by The Susan G. Komen Breast Cancer Foundation (hereinafter "Opposer"). As Juggling For A Cure is unable to afford legal representation, I, the Founder and President of Juggling For A Cure, will answer the Opposer's arguments.

Juggling For A Cure is a name that I thought of while attending college. A class project required students to find a creative way to serve the community, and to create a logo in association with the project. Always determined to use juggling to serve others, I came up with the term, "Juggling For A Cure," and created the Juggling For A Cure logo.

Juggling For A Cure has been bringing enjoyment to senior citizens in nursing homes, patients in hospitals, and children in schools. Once, while juggling for a respite care for the homeless, a staff member informed me that a patient that was smiling previously had not smiled in a while. Juggling can sometimes reach people when other means cannot.

06-21-2010

A program of Juggling For A Cure that I would like to share with the Board is the Juggling for Books program. Through Juggling for Books, I juggle for children in the neighborhood, teach children how to juggle, and provide educational books for children to read. The books are on Math, Geography, U.S. History, Black History, Science, Art, and other subjects. Juggling For A Cure has found that the children will juggle and the parents and children will read the books.

One place where a Juggling for Books program was held was at Martin Luther King, Jr. Park in Cincinnati, Ohio in an inner city neighborhood where I grew up as a young child. The neighborhood where Martin Luther King, Jr. Park is located has struggled with crime and drugs. I have witnessed some negative things at the park that are inappropriate for children to be around. However, many of the kids are poor and have few alternatives to going to the park. Juggling for Books has been providing the children with a positive option.

When I last left Martin Luther King, Jr. Park after a Juggling for Books event, a young child loudly yelled, "Ken, will you be back tomorrow?" I answered, "Not sure if I'll make it back tomorrow, but I'll try to make it back." The child then said, "Ken, I can't hear you, will you be back Ken?" Juggling For A Cure is bringing smiles and hope to our most precious.

Often when I am practicing juggling or just casually juggling, I notice that people will stop and converse with me. Senior citizens, young people, people of various ages and cultures will give me their attention and come over and talk to me. I have had park rangers and police officers tell me that watching my juggling relaxes them. I have also had people tell me that watching my juggling helped them recover from a stressful day at work.

The important question for me was and is, "How do I best serve people with juggling?" Do I just keep getting better and better at juggling for the purpose of bringing more attention to myself, or do I use the attention as an opportunity to serve others? Juggling For A Cure was founded to serve others through juggling.

Another way that Juggling for Books serves people and communities is by making films that are educational and uplifting. Once such film is, *A Juggling Tribute to African-American, Arab-American, Asian-American, European-American, Jewish-American, Latino-American, Native-American, and Women-American History*. In the film, I juggle to the words of great people, such as Ellen Ochoa, George Washington, Anne Frank, Dr. Martin Luther King, Jr., Cesar Chavez, Helen Keller, Bruce Lee, and Chief Crazy Horse. My hope is that though people will one day

forget about me and my juggling, their lives will be touched in a positive way by the great words of these great individuals.

Through Juggling For A Cure, I have had the honor of juggling at Duke Energy Center to help promote Cincy-Cinco's Cinco De Mayo festival and then volunteering to juggle and teach children to juggle at the event held at Fountain Square in Downtown Cincinnati, Ohio. I also had the honor through Juggling For A Cure's Juggling Green program of volunteering to juggle for the Urban League during Earth Day at Sawyer Point in Cincinnati, Ohio. I have had the honor of volunteering to juggle for the YMCA's Healthy Kid's Day, the Arthritis Foundation Walk, March of Dimes's March for Babies Walk, FreeStore Foodbank Walk, Ronald McDonald House, and Lincoln Crawford Nursing Home. And through Juggling For A Cure, I will have the honor of volunteer to juggle for the American Cancer Society's Relay For Life on the 26th of this month. It has been a great honor for me to have had the opportunity to work with these great organizations and to serve these wonderful people.

As for Opposer's arguments, Juggling For A Cure has found them to be unsupported assertions. In paragraph 1, it is noted that Juggling For A Cure filed an application for a trademark. The paragraph does not appear to require a challenge from Juggling For A Cure as it appears clear that Juggling For A Cure is applying for a trademark.

In paragraph 2, Opposer notes that it registered a name that includes "For the Cure". Juggling For A Cure does not dispute that the name was registered. However, Juggling For A Cure points out that this should not give Opposer a monopoly with the use of the word "cure". Cure is very important and common word that has been used by many cultures throughout history – including Native Americans. There are so many people in life that need people working for a cure for them that it would not seem appropriate to allow one company to monopolize the use of the word. Juggling For A Cure believes that this is too much power and control for a company to have. The current BP debacle warns us of the dangers of giving a company too much power and control. Having power and control of the use of the word "cure" is God-like. Juggling For A Cure request that the Board not give Opposer power and control of the word "cure".

In paragraph 3, Opposer notes that other "For the Cure" names have been registered. Juggling For A Cure does not dispute that the terms have been registered. However Juggling For A Cure gives pause to considering whether having people truly dedicated to each of those areas

would better and faster facilitate a cure, and better serve people in need of the cure. Life teaches us that it is not possible to be truly dedicated to multiple areas. Each individual area takes so much time and dedication. College students, for example, are advised to pick one major or maybe two at the most to concentrate on. It would not be realistically possible for a student to major in a lot of subjects, although there may be a sincere interest in doing so. Doing so many different things inevitably takes away from the time and dedication needed in the area one does best. Juggling For A Cure believes it would be a tragedy to turn over Juggling For A Cure to an organization attempting to have a monopoly on so many different areas, Juggling For A Cure should remain in the control of Juggling For A Cure, a good nonprofit organization sincerely dedicated to juggling, and using it to serve children, seniors, inner city people, and others – an organization putting all its energy into serving with juggling. Not an organization not particularly dedicated to juggling, but interested in collecting multiple marks for multiple areas.

In paragraph 4, Opposer makes a claim of goodwill, but fails to provide any support for the claim. Juggling For A Cure request that the Board reject Opposer's claim for failing to provide any support for its claim.

In paragraph 5, Opposer makes three unsupported assertions. The first assertion is that Juggling For A Cure would cause confusion. Juggling For A Cure has not encountered any person or organization being confused during the existence of Juggling For A Cure. People who know of Juggling For A Cure see clearly that it is a minority owned non-profit organization founded and run by a Black man. Race will be used here because it is a strong element when it comes to identification. Some sociologist and other like-professions may argue that race is one of the first identifying factors that people recognize. And most laypersons, regardless of their views on race, would likely agree that race is a strong factor when it comes to identification. Juggling For A Cure is a small company run by one person, its founder, a Black man from Ohio. Anyone dealing with the company has to deal directly with this Black man. Juggling For A Cure's website has several pictures of this Black man, and he is identified as the founder of the company. Juggling For A Cure also works solely with juggling – using juggling to serve others. Juggling For A Cure does not work with any of the areas the Opposer works with. At no time during Juggling For A Cure's service has anyone confused Juggling For A Cure with the Opposer. Juggling For A Cure ask that the Board note that the Opposer fails to give any account of anyone being so confused. We have two distinctly different companies: a very small African

American-owned nonprofit organization in Ohio that uses juggling to serve others, and the much larger White-owned Opposer from Texas that works with other areas. Clearly, two different companies. Juggling For A Cure request that the Board reject Opposer's unsupported assertion.

The second assertion in paragraph 5 warns of a "mistake" occurring. Again, the Opposer fails to provide any support. What possible mistake is the Opposer referring to? Again using the strong identifying element of race, Juggling For A Cure informs the Board that Juggling For A Cure has had no one mistake the Opposer, a white-owned company from Texas, with Juggling For A Cure, minority-owned, black-owned company from Ohio that works solely with juggling, not any of the areas the Opposer works with. Opposer has not provided any evidence of anyone mistaking the Opposer for the black-owned Juggling For A Cure. Juggling For A Cure is a small company run by one person, its founder, a Black man from Ohio. Anyone dealing with the Juggling For A Cure has to deal directly with this Black man. Juggling For A Cure's website has several pictures of this Black man, and he is identified as the founder of the company. Organizations that work with Juggling For A Cure are doing so not because of a mistake, but because they choose to do so. Juggling For A Cure request that the Board reject the Opposer's unsupported assertion.

The third assertion in paragraph 5 warns of deception. Juggling For A Cure is concerned about this accusation. Juggling For A Cure feels it is unfortunate that the Opposer has chosen to make libelous accusations toward Juggling For A Cure. Juggling For A Cure's record show it has worked honorably with community organizations, hospitals, nursing homes, and schools. A YMCA director wrote how Juggling For A Cure helped the YMCA reach inner city youth (a letter that is enclosed for the Board's review). Juggling For A Cure request that the Board admonish the Opposer to cease using defamation toward Juggling For A Cure, and reject the Opposer's unsupported and unwarranted accusation.

In paragraph 6, the Opposer warns of dilution of its mark. Juggling For A Cure believes the responsibility of the strength or weakness of Opposer's mark rest with Opposer. Juggling For A Cure is a clearly different company – a small African American-owned company concentrating on using juggling to serve the community, and not using any of the areas the Opposer is working with. Also, Opposer states that its mark is "famous". If so, it is not plausible that Juggling For A Cure, a small black-owned company from Ohio, should warrant such concern from Opposer. If Opposer fails to keep its mark "famous," the blame would lie with Opposer, not Juggling For A

Cure , a small company owned by a Black man in Ohio. Surely, if Opposer's mark becomes more "famous," Opposer would not likely credit Juggling For A Cure, a small black-owned company from Ohio. Opposer would likely take credit if its mark becomes more "famous". Therefore, it is unfair for Opposer to blame Juggling For A Cure, a small black-owned company from Ohio, if Opposer's mark becomes less "famous". Juggling For A Cure believes Opposer should own up to the good and the bad results of its work. Blame or credit for Opposer's mark becoming more or less "famous" lies solely with Opposer. Juggling For A Cure request that the Board reject the Opposer's assertion that if its mark becomes less "famous", blame should be on Juggling For A Cure, a small African American-owned company from Ohio.

Juggling For A Cure does not believe that Race for the Cure should give the Opposer a monopoly on the use of the common and historically used term, "cure". As Juggling For A Cure noted earlier, "cure" is a word that is very common and has been used by many cultures throughout history – including Native Americans. There are so many people in the United States and throughout the world that need people working toward a cure for them, that it would seem a tragedy to allow one company to monopolize the use of the word "cure". The current BP debacle warns us of the dangers of giving a company too much power and control. Having power and control of the word "cure" is God-like. Juggling For A Cure request that the Board not give Opposer this power and control.

In paragraph 7, Opposer makes another unsubstantiated assertion stating that Juggling For A Cure would damage Opposer. Juggling For A Cure notes it has witnessed no one, including the Opposer, being damaged by Juggling For A Cure. Opposer fails to specify how Juggling For A Cure, a small black-owned nonprofit company in Ohio founded by a black man, could damage the much larger and "famous" white-owned Opposer from Texas. Is Opposer postulating that a corporation may refuse to give a donation to the white-owned Opposer in Texas because of being made aware of Juggling For A Cure, a small black-owned company in Ohio? This doesn't appear to make sense. What fear does the Opposer have of being damaged by the small black-owned company from Ohio? The Opposer's lack of specificity precludes Juggling For A Cure from having a fair opportunity to better address this assertion. Juggling For A Cure request that the Board reject the Opposer's unsupported assertion.

Juggling For A Cure asked the Board to consider whether Opposer's assertions may be a façade to its possible real motivation – that of **covetousness**. Juggling For A Cure fears that the

Opposer covets the work of Juggling For A Cure and desire to take over it so Opposer can take credit for the term and Juggling For A Cure's hard work. Opposer may wish to have it added to its list. Juggling For A Cure asked the Board to consider that children, seniors, and others deserve someone who is sincerely interested in serving them with juggling. Juggling For A Cure request that the Board keep Juggling For A Cure in the hands of Juggling For A Cure, which is truly and whole heartedly dedicated to using juggling to serve others.

Juggling For A Cure has been faithfully serving and helping organizations and people. Juggling For A Cure has been an ally of community and nonprofit organizations. Juggling For A Cure has been a friend and supporter of communities and people. Juggling For A Cure embraces the racial and cultural diversity that we are blessed with in the United States. Juggling For A Cure believes it is not enough to just tolerate racial and cultural diversity. One of Juggling For A Cure's goals is to cure racism by bringing people together through juggling – a universal sport and form of entertainment. Juggling For A Cure made the film, *A Juggling Tribute to African-American, Arab-American, Asian-American, European-American, Jewish-American, Latino-American, Native-American, and Women-American History* to push harmony among different cultures in our country.

In the film, juggling is used to complement the words of great people, such as Ellen Ochoa, George Washington, Dr. Martin Luther King, Jr., Anne Frank, Cesar Chavez, Helen Keller, Bruce Lee, and Chief Crazy Horse. My hope is that though people will one day forget about me and my juggling, their lives will be touched in a positive way by the great words of these great individuals.

Countless people throughout the United States and the world are in need of a cure and in need of people and organizations working toward a cure, whether that cure be for a medical, mental, habitual, or other ailment. Juggling For A Cure believes progress best happens when many different innovators work toward a cure using the areas of their interests and abilities, not by having Opposer monopolize the term.

The current BP debacle warns us of the dangers of giving a company too much power and control. Having power and control of the word "cure" is God-like, and is probably best left with God. As for the rest of us, we should work together toward finding a cure and enriching the lives of people.

Juggling For A Cure request that the board approve its mark and allow Juggling For A Cure to continue its good work of serving others with juggling. The little child at Martin Luther King, Jr. Park is my witness.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken' followed by a stylized flourish.

Ken Lewis

President and Founder
Juggling For A Cure

Certificate of Service

I hereby certify that on this 18th day of June 2010, a true and correct copy of the foregoing document and all accompanying documents, including Closing the Health Gap Certificate, Arthritis Foundation letter, YMCA letter, picture of Juggling For A Cure's founder, English Learning Foundation picture, and DVD of film, *A Juggling Tribute to African-American, Arab-American, Asian-American, European-American, Jewish-American, Latino-American, Native-American, and Women-American History* was mailed June 18, 2010 via U.S. First Class Mail postage prepaid on Opposition The Susan G. Komen Breast Cancer Foundation's attorney, John M. Cone with Hitchcock Evert LLP, P.O. Box 131709, Dallas, TX 75313-1709.



Ken Lewis,
Founder and President,
Juggling For A Cure

June 18, 2010

EveryOne Deserves a Y

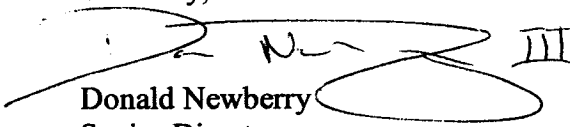
April 30, 2009

Juggling For A Cure
Attn: Ken Lewis
P.O. Box 37936
Cincinnati, Ohio 45222

Dear Mr. Lewis,

Thanks to your support our 2009 Healthy Kid's Day was a raving success. We were able to positively impact nearly 200 kids in the Walnut Hills/Evanston/Avondale community. The Melrose Family YMCA staff would like to extend our sincere gratitude for all that you do for our community. I have also enclosed a personalized thank you note written by some of the children you impacted this past Saturday. Hopefully their heartfelt words and expression of thanks will reinforce why we continue to persevere against seemingly immeasurable odds. Maybe we will remember every concerned adult that supported our dreams and aspirations at an early age. In closing, please continue to support our shared goal to foster a safe and nurturing environment for our kids to grow strong and healthy. You have a friend here at the Melrose Family YMCA! Thank you and God bless.

Sincerely,



Donald Newberry
Senior Director
Melrose Family YMCA
(513) 961-3510
dnewberry@cincinnatiymca.org



Dear Ken,

Thank you so much for your participation in the Walk Kick-off; Dayton Walk and Cincinnati Walk. Your enthusiasm and patience as a performer and teacher added a special dimension to the Walk atmosphere.

Best wishes for the future of your organization.

(over)

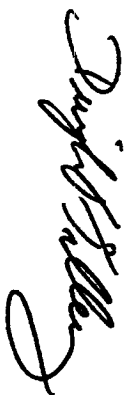
Award Certificate

Presented to

Ken Lewis
Juggling for a Cure
For

Participation in the Children's Pavilion Stage at the
6th Annual Health Expo

Presented this eleventh day of April 2009



Dwight Tillery

President & CEO



Phyllis Sloan

Phyllis Sloan

Stage Coordinator



*A Juggling Tribute to African-American,
Arab-American, Asian-American,
European-American, Jewish-American,
Latino-American, Native-American,
and Women-American History*

An Educational Film
by Kene Lewis

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